

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID J. LEWIS,

Plaintiff,

Case No. 08-10818

v.

Hon. John Corbett O'Meara

CHRISTOPHER CASSETTE, *et al.*,

Defendants.

_____/

ORDER OF PARTIAL REMAND

Defendants removed this case to this court on February 28, 2008. Plaintiff's complaint sets forth the following counts: Count I, false arrest; Count II, assault and battery; and Count III, violations of 42 U.S.C. § 1983.

While alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts I and II of Plaintiff's complaint are **REMANDED** to Wayne County Circuit Court.

s/John Corbett O'Meara
United States District Judge

Date: March 14, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 14, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager